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| 10/664,574 | 09/17/2003 | Tadahiro Naitoh | 04536/024001 | 4591 |

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| OSHA LIANG L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010 | | |

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| EXAMINER | |
| TOPGYAL, GELEK W | |

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| ART UNIT | PAPER NUMBER |
| 2621 | |

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| NOTIFICATION DATE | DELIVERY MODE |
| 01/04/2008 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| Office Action Summary | Application No. 10/664,574 | Applicant(s) NAITOH, TADAHIRO | |
| | Examiner Gelek Topgyal | Art Unit 2621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/16/2007 have been fully considered but they are not persuasive.
2. In re pages 1-3, the applicants argue that the newly amended independent claims 1 and 13 overcome the cited prior art of Frimout. The applicant's main argument is that Frimout does not particularly teach "a process for closing a file so as to be readable/writable". The applicants further argue that Frimout's recording flag 121 does not determine whether a recording is readable/writable as a function of the recovery means of claims 1 and 13. The applicants further argue that Frimout is solely directed to reconstructing an internal data structure.
3. In response, the examiner respectfully disagrees. The system of Frimout teaches wherein, as discussed in the last office action (pages 2-3), a "file", in its broadest interpretation, is met by 1) a video cell C1 to Cn (GOPs), 2) a chapter or 3) the video or audio title set (herein referred to as "files of Frimout". In essence, a stop in a recording process in any of the 1) a video cell C1 to Cn (GOPs), 2) a chapter or 3) the video or audio title set, will thereby render each of these "files of Frimout" incomplete. Therefore the ability of Frimout to complete the recording procedure will thereby "close" (in its broadest interpretation) so that each of "files of Frimout" can be readable. It should be noted that the *entire content* of the "files of Frimout" is not readable due to a power failure, however, these "files of Frimout" are completely recorded the next time the

system receives power, and therefore, the *entire content* [emphasis added] of the "files of Frimout" are readable.

Furthermore, the recording flag 121 of Frimout is used by the system to check for power failure, and *after* the detection of the flag 121, the system continues to complete the recording process. The applicants have misunderstood the examiner's assertion that the recording flag is used to meet claimed "if a power supply is found to be interrupted during a recording operation".

Furthermore, the system of Frimout is not solely directed to reconstructing the internal data structure, as it allows for the system to resume and complete the recording from the point where it was previously interrupted and clearly taught in the abstract and in col. 5, lines 56-58.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-2, 13** are rejected under 35 U.S.C. 102(e) as being anticipated by Frimout (US 7,017,078).

6. **Regarding claim 1**, Frimout teaches the claimed image recording apparatus, comprising:

a recording portion being supplied with power to record at least digital image information in a recording medium by files (Fig. 1, Disc 20 and disc drive unit 11 allows for recording onto the Disc 20); and

a control unit operating when being supplied with said power to control said recording portion (Disc drive unit 11 controls operations of the optical disc player/recorder),

said control unit including

recovery means for controlling said recording portion (Fig. 1, recovery control section 13), when a power supply to said control unit is started and if a previous power supply is found to be interrupted during a recording operation (col. 5, lines 5-58 teaches that a recording operation can be recovered due to an interruption in the power supply), to retrieve a file (met by 1) a video cell C1 to Cn (GOPs), 2) a chapter or 3) the video or audio title set as discussed in paragraph between col. 3 and 4) having been recorded at the interruption of the power supply from said files and to close the retrieved file so as to be readable/writable (met by the ability of Frimout to recover a recording operation as discussed above. Specifically, in col. 5, lines 39-41 teaches wherein recovery is complete after the power failure to be able to clear or reset the recording flag 121 stored in NVRAM 12, thereby completing(recording)/closing a particular a video cell C1 to Cn (GOPs), a chapter or the video or audio title set. Also refer to paragraph 3 above for further explanation).

Regarding claim 2, Frimout teaches the claimed wherein said control unit further includes:

flag setting means for setting a pre-prepared flag during a period in which power is supplied to said recording portion (col. 4, lines 8-12 teaches wherein when the power is supplied the recording flag 121 is set), and for resetting said pre-prepared flag when power to said recording portion is interrupted (col. 5, lines 5-25 teaches that recording flag 121 is checked for power failure), and

power interruption detecting means for detecting, when a power supply to said control unit is started and if said flag is determined to be set, an interruption of a previous power supply during a recording operation (col. 5, lines 5-25 teaches that after power resumes, and the recovery control section 13 detects that the recording flag 121 is set, it determines that a power interruption has occurred).

Method claim 13 is rejected for the same reasons as discussed in apparatus claim 1 above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 3-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Frimout (US 7,017,078) in view of Kweon (US 7,116,889).

Regarding claims 3 and 4, Frimout teaches the claimed wherein recorded contents of said recording medium are retained after the interruption of the power supply (col. 5, lines 5-57 discusses where the previously recorded portions until the

interruption of the power supply is searched, therefore, the contents are retained), said control unit further including an information storing portion retaining pre-recorded information during a period in which power is supplied to said control unit (col. 5, lines 5-57 discusses where the previously recorded portions until the interruption of the power supply is searched, therefore, the contents are retained).

However, Frimout fails to teach wherein said control unit further including:

scheduling information recording means for accepting scheduling information for scheduling said recording operation by said recording portion and recording the accepted scheduling information in said recording medium and in said information storing portion, and

supply start time recording means for recording said scheduling information read from said recording medium in said information storing portion, when a power supply to said control unit is started, and

said scheduling information includes scheduling period data for scheduling a period of said recording operation,

said control unit further including a real time clock measuring real time, wherein when a power supply to said control unit is started and if the real time measured by said real time clock is in a scheduling period indicated by said scheduling period data of said scheduling information recorded in said information storing portion by said supply start time recording means, said control unit causes said recording portion to resume said recording operation based on said scheduling information.

In an analogous video recording art, Kweon teaches the claimed control unit further including:

scheduling information recording means for accepting scheduling information for scheduling said recording operation by said recording portion (col. 4, lines 31-40 teaches that users can reserve recordings and store them in flash memory 204) and recording the accepted scheduling information in said recording medium and in said information storing portion (col. 4, lines 31-40 teaches that users can reserve recordings and store them in flash memory 204, and furthermore the recording operation takes place at the time of the reserved recording information), and

supply start time recording means for recording said scheduling information read from said recording medium in said information storing portion, when a power supply to said control unit is started (col. 4, lines 31-40 teaches that users can reserve recordings and store them in flash memory 204, and furthermore the recording operation takes place at the time of the reserved recording information), and

said scheduling information includes scheduling period data for scheduling a period of said recording operation (the reserved recording operation as discussed above),

said control unit further including a real time clock measuring real time (Figs. 4a-6a teaches a present time), wherein when a power supply to said control unit is started and if the real time measured by said real time clock is in a scheduling period indicated by said scheduling period data of said scheduling information recorded in said information storing portion by said supply start time recording means (col. 5, lines 21-34 and lines

59-64 teaches wherein after power supply is applied, it determines using the present time and reserved recording information stored to determine whether recording should be continued), said control unit causes said recording portion to resume said recording operation based on said scheduling information (as discussed above, after the power supply is applied and the present time is within the range of the reserved recording time, the recording is continued (col. 5, lines 59-64)).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to schedule recordings and to continue the recording of scheduled recordings according to the schedule as taught by Kweon into the system taught by Frimout so that scheduled recordings are retained even after a power failure/interruption.

The motivation to combine is clear in Kweon, in col. 6, lines 45-51, of the necessity for a system to reduce the loss of the real-time function such as the user's reserved recordings due to power failure.

Regarding claim 5, the system of Frimout teaches the claimed wherein said recording medium is a hard disk (Fig, Disk 20 or the like).

Regarding claim 6, the system of Frimout teaches the claimed further comprising a playback portion playing back and outputting the recorded contents of said recording medium (as discussed in claim 1 above, disk drive unit 11 can reproduce information stored on Disc 20 or the like).

Regarding claim 7, the system of Frimout teaches the claimed wherein power is supplied from a commercial power source, and the power supply from said commercial

power source is interrupted by a power failure (it is an inherent that power supplied to homes originate from third party power supplying companies (commercial power source) and since these companies are the providers, a power failure to the instant invention will be from the power supplying companies).

Claims 8-12 are rejected for the same reasons as discussed above in claims 3-7, respectively.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gelek Topgyal whose telephone number is 571-272-8891. The examiner can normally be reached on 8:30am -5:00pm.

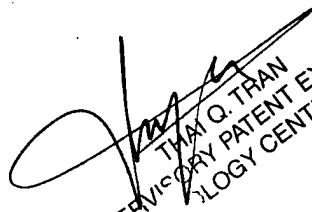
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GT
12/18/2007


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